

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION NO.230 OF 1994

For Approval and Signature

The Hon'ble Mr. Justice S.K. KESHOTE

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1. Whether reporters of local papers may be allowed to see the judgment ?
 2. To be referred to the reporters or not ?
 3. Whether their lordships wish to see the fair copy of the judgment ?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950, or any order made thereunder ?
 5. Whether it is to be circulated to the Civil Judge?

GUJARAT INDUSTRIAL DEVELOPMENT CORPN.
VERSUS
PATEL GANDA ALIAS JIVRAJ LIMBA

Appearance:

MR SN SHELAT for Petitioner
MR KS JHAVERI for Respondent

Coram: S.K. Keshote,J
Date of decision: 12/02/1999

C.A.V. JUDGMENT

#. This civil revision application by defendant No.1-petitioner is directed against the order of the 4th Extra Assistant Judge, Rajkot, dated 27th October 1993, in Civil Misc. Appeal No.152 of 1993. Under this order, the learned first appellate Court has set aside the order dated 13th August 1993, below ex.5 passed by the learned trial court in Regular Civil Suit No.810 of 1993, and interim injunction has been granted in favour of the respondent in terms of para 19(a) and 19(b) of the Appeal till final disposal of the suit.

#. This civil revision application has been admitted by this Court, but I do not find that any injunction has been granted in favour of the petitioner. The suit out of which this civil revision application has arisen is of the year 1993 and it relates to dispute in respect of land over which the petitioner claim that it is in his possession. The order of the first appellate court has not been stayed by this court and as a result thereof, whatever interim relief granted by the first appellate court is continuing for all these years. At this stage, in case this order is set aside, then I have my own reservation whether it will come in favour of the petitioner or not but it will definitely result in manifold litigations and other complications in the matter. So interest of justice will be met in case the suit itself is directed to be disposed of at an early date.

#. In the result, this civil revision application is disposed of in terms that the learned trial court shall dispose of the Regular Civil Suit No.810/93 within a period of four months from the date of receipt of writ of this order. It is expected of both the parties to cooperate the learned trial Court to dispose of the suit. It is further made clear that neither party shall take any unnecessary adjournment in the said suit. No order as to costs.

(S.K.Keshote, J.)

[sunil]